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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/602,971

06/23/2000

H. Brock Kolls

USE-655US

1565

23122 7590 04/09/2008  
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EXAMINER

LASTRA, DANIEL

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

04/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/602,971	<b>Applicant(s)</b> KOLLS, H. BROCK	
	<b>Examiner</b> DANIEL LASTRA	<b>Art Unit</b> 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01/02/2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10, 11, 13-16, 19, 22, 23 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11, 13-16, 19, 22, 23 and 26-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-8, 10, 11, 13-16, 19, 22, 23 and 26-28 have been examined. Application 09/602,971 (Internet based network for automotive applications including the facilitation of e-commerce and e-business, and management of wireless connectivity with vehicles) has a filing date 06/23/2000.

### ***Response to Amendment***

2. In response Non Final Rejection filed 10/03/2007, the Applicant filed an Amendment on 01/02/2008, which amended claims 1, 8, 11, 13, 19, 26 and 28.

### ***Claim Rejections - 35 USC § 112***

3. Claims 1, 13 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Applicant needs to point to the Examiner where it is recited that the store display provides vehicle related information to a data processing resource.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 13 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Said claims are indefinite because it is not clear how the data processing resource obtained vehicle related information. Also, said

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claims seem to say that the store display provides vehicle related data to the processing resource when the Applicant's specification does not have support for said limitation.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10, 11, 13-16, 19, 22, 23 and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Witkowski (US 7,257,426)

As per claims 1 and 13, Witkowski teaches:

A network system for effectuating data communication between a vehicle and a data processing resource, said system comprising:

*An in vehicle monitoring unit for monitoring vehicle operations and for providing vehicle related information* (see figure 4 item 10a; col 12, line 56 – col 13, line 15);

an in-vehicle device *in operative communications with the in-vehicle monitoring unit* and installed in said vehicle, said in-vehicle device having a first wireless network connectivity interface (see figure 4 item 10b); and

store display adapted to hold a plurality of products for sale to and accessible by a customer, said store display equipped with a communication interface device (see col 9, lines 60-67 “drive-through menu board”; col 13, lines 1-5 “website of the manufacturer of the vehicle”) having:

a second wireless network connectivity interface, said second wireless network connectivity interface adapted to data communicates with said first wireless network connectivity interface (see figure 4, item 10a; ) and

communication interface to communicate data between said second wireless network connectivity interface and said data processing resource (see figure 4 item 48; col 13, lines 1-5 “remote database”), *the communication interface communicating the vehicle related information from said in-vehicle monitoring unit via the in-vehicle device to said data processing resource for processing by the data processing resource* (see col 10, lines 1-15 “vehicle location is detected approaching a drive through menu board”; col 13, lines 1-15 “malfunction is reported to the manufacturer”), *wherein the data processing resource communicates selection information to the store display for selecting at least one of the products for sale held by the store display responsive to the vehicle related information* (see col 10, lines 101-25 “menu information is downloaded to the vehicle display system”; col 13, lines 1-10 “warranty and part information are accessed through the manufacturer website”).

As per claims 2 and 14, Witkowski teaches:

wherein said communication interface device further comprises:

a wireless data connection, said wireless data connection adapted to effectuate a data connection with a wireless device (see col 10, lines 1-25).

As per claims 3 and 15, Witkowski teaches:

wherein said wireless data connection includes at least one of the following:

a wireless transceiver interface (See col 10, lines 1-25);

said wireless device interface;

a wireless modem interface;

a wireless phone interface; or

a wireless data link (see col 10, lines 1-25).

As per claims 4 and 16, Witkowski teaches:

wherein said wireless device is at least one of the following:

a wireless phone;

a personal data assistant (see column 1, lines 20-30);

a pager;

a personal computer ;

an Internet appliance; or

a programmable storage device.

As per claim 5, Witkowski teaches:

wherein said in-vehicle device further comprises:

a wireless data connection, said wireless data connection adapted to effectuate a data connection with a wireless device (see col 10, lines 1-25).

As per claim 6, Witkowski teaches:

wherein said wireless data connection includes at least one of the following:

- a wireless transceiver interface;
- said wireless device interface;
- a wireless modem interface;
- a wireless phone interface; or
- a wireless data link (see col 10, lines 1-25).

As per claim 7, Witkowski teaches:

wherein said wireless device is at least one of the following:

- a wireless phone;
- a personal data assistant (see column 1, lines 20-30);
- a pager;
- a personal computer;
- an Internet appliance; or
- a programmable storage device.

As per claim 8, Witkowski teaches:

wherein said *first wireless network connectivity interface*, said *second wireless network connectivity interface* and said communication interface include at least one of the following communication interface types:

- a wired data link;
- a wide area network connection;
- a network connection (see col 2, lines 60-67);
- a universal serial bus port;

- a personal data assistant interface;
- an RS232 interface;
- an RS485 interface;
- a carrier current interface;
- a network connection to the Internet;
- a modem interface;
- a wireless modem interface;
- a wireless phone transceiver;
- a wireless phone interface;
- a wireless data link; or
- a local area network interface.

As per claim 10, Witkowski teaches:

wherein said data processing resource is one of the following:

- a global network data processing resource;
- a global network server (see col 2, lines 10-45);
- a global network application server;
- a global network database;
- a virtual private network
- an emergency monitoring network;
- a second communication interface device;
- a second in-vehicle device;
- a personal computer;



- a wireless phone;
- a personal data assistant;
- a pager;
- a pocket sized personal computer;
- a programmable storage device; or
- an Internet appliance.

As per claim 11, Witkowski teaches:

wherein said *first wireless network connectivity interface*, said *second wireless network connectivity interface* and said communication interface data communicate by at least one of the following:

- a wireless connection (see col 10, lines 1-25);
- a wired connection;
- a personal data assistant interface;
- a wireless phone interface;
- an RS232 serial interface;
- an RS485 interface;
- a USB port interface;
- an ethernet connection;
- a TCP/IP type network connection;
- a PPP type network connection;
- a SLIP type network connection;
- a socket layer network connection;

BLUETOOTH protocol or standard; or

Wireless Application Protocol or standard.

As per claim 19, Witkowski teaches:

A method of data communicating between an in-vehicle device installed in a vehicle and a data processing resource, said method comprising:

a) holding by a store display that is accessible by a customer, a plurality of products for sale (see col 10, lines 1-25);

*b) routing vehicle related information from an in-vehicle monitoring unit to the in-vehicle device* (see figure 4 item 10a; col 12, line 56 – col 13, line 15);

c) communicating a plurality of digital content *including vehicle related information* wirelessly between the in-vehicle device and the store display equipped with a communication interface device to effectuate data communication of the vehicle related information from said in-vehicle device to said data processing resource (see col 10, lines 1-15 “vehicle location is detected approaching a drive through menu board”; col 13, lines 1-15 “malfunction is reported to the manufacturer”),

d) routing said plurality of digital content from said store display to said data processing resource (see col 10, lines 1-25);

e) determining at said data processing resource a plurality of return digital content *including selection information for selecting at least one of the products for sale* responsive at least in part to said plurality of digital content (see col 10, lines 101-25 “menu information is downloaded to the vehicle display system”; col 13, lines 1-10 “warranty and part information are accessed through the manufacturer website”).

f) routing said plurality of return digital content to said store display (see column 10, lines 1-25);

g) presenting said plurality of return digital content to said customer at said store display (see col 10, lines 101-25 “menu information is downloaded to the vehicle display system”; col 13, lines 1-10 “warranty and part information are accessed through the manufacturer website”).and

h) selecting, by the customer, at said store display the at least one of the products of sale *held by the store display responsive to the selection information* using said presented return digital content (see col 4, lines 1-15 “electronic payment authorize by the driver of the vehicle from menu information displayed from menu board”).

As per claim 22, Witkowski teaches:

receiving the selection of one or more of said plurality of return digital content from said customer at said store display (see column 10, lines 1-25).

As per claim 23, Witkowski teaches:

wherein said data processing resource is a global network based data processing resource (see col 14, lines 40-65).

Claim 26, Witkowski teaches:

wherein the store display is configured to accept input from the customer via an input device such that the at least one of the products for sale is selected by the customer at the store display based on the *vehicle related information* provided from the in-vehicle device (see col 10, lines 1-25).

Claim 27, Witkowski teaches:

wherein the at least one of the products for sale is physically selected by the customer from the store display (see col 9, line 60 – col 10, line 25).

Claim 28, Witkowski teaches:

wherein the processing resource provides to the store display *the selection* information regarding *the at least one of the* products for sale that are compatible with the *vehicle related information associated with the vehicle operations and* provided from the in- vehicle device (see col 9, line 60 – col 10, line 25).

### ***Response to Arguments***

5. Applicant's arguments filed 01/02/2008 have been fully considered but they are not persuasive. The Applicant argues that Witkowski does not teach that the communication interface of the store display data communicates "the vehicle related information from in-vehicle monitoring unit via the in-vehicle device to the data processing resource". The Examiner answers that Witkowski teaches that in col 10, lines 1-15 that as vehicle location is detected approaching a drive through menu board by the transceivers (see figure 4, item 48 and 10a) and that vehicle related information is transmitted to the manufacturer (i.e. data processing resource") which display part information to customer in said manufacturer website (see col 13, lines 1-15). Therefore, contrary to Applicant's argument, Witkowski teaches Applicant's claimed invention.

The Applicant argues that Witkowski is silent regarding the data processing resource communicating selection information for selecting at least one product for sale responsive to the vehicle related information because Witkowski according to the

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Applicant, is not concerned with the selection/ordering of vehicle parts. The Examiner answers that Witkowski teaches displaying to a user a menu of products when said user's vehicle location is detected near a store display (see figure 4, item 46). Therefore, contrary to Applicant's argument, Witkowski teaches Applicant's claimed invention.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Raquel Alvarez/  
Primary Examiner, Art Unit 3688

/DANIEL LASTRA/  
Art Unit 3688  
April 2, 2008

<b>Application Number</b> 	<b>Application/Control No.</b>	<b>Applicant(s)/Patent under Reexamination</b>	
	09/602,971	KOLLS, H. BROCK	
	<b>Examiner</b>	<b>Art Unit</b>	
	DANIEL LASTRA	3688	